

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20201

			www.uspto.gov	
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,220	01/21/2000	John F. Reidhaar-Olson	16528A-038900US	5568
	590 04/22/2003			
VICKI G. NO	RTON, ESQ. II EGER AND HADDIC	EXAMINER		
BROBECK, PHLEGER AND HARRISON LLP 12390 EL COMINO REAL SAN DIEGO, CA 92130			LU, FRANK WEI MIN	
, ,			ART UNIT	PAPER NUMBER

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

S. Patent and Trademark Office		Application No.	Applicant(s)			
Examiner Frank W.Lu	Notice of Abandonment	09/489,220	REIDHAAR-OLSON JOHN E			
The MAILNG DATE of this communication appears on the cover sheet with the correspondence address This application is abandoned in view of:  1. ☑ Applicant's failure to timely file a proper reply to the Office letter mailed on 7/17/2003  (a) ☐ A reply was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply (including a total extension of time of continued), which is after the expiration of the period for reply (including a total extension of time of continued), which is after the expiration of the period for reply (including a total extension of time of continued), which is after the expiration of the period of reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.114) to final rejection consists only of: (1) a timely filed amendment which places the application in cendrifion for allowance; (2) a timely filed believe of Appeal (with appeal fee), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).  (c) ☐ A reply was received on but if the constitute a proper (reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.5(a) and 1.11.  (d) ☑ No reply has been received.  1. ☑ Applicant's failure to firmely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  (a) ☐ The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission dated high proposed corrected drawings were received.  (b) ☐ The issue fee and publication fee, if applicable, has not been received.  (c) ☐ The issue fee and publication fee, if applicable, has not been received.  (a) ☐ Applicant's failure to timely proper file corrected drawings have received on (with a Certificate of Mailing or Transmission dated), which is after the	Notice of Abandonnient					
The MAILNG DATE of this communication appears on the cover sheet with the correspondence address This application is abandoned in view of:  1. ☑ Applicant's failure to timely file a proper reply to the Office letter mailed on 7/17/2003  (a) ☐ A reply was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply (including a total extension of time of continued), which is after the expiration of the period for reply (including a total extension of time of continued), which is after the expiration of the period for reply (including a total extension of time of continued), which is after the expiration of the period of reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.114) to final rejection consists only of: (1) a timely filed amendment which places the application in cendrifion for allowance; (2) a timely filed believe of Appeal (with appeal fee), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).  (c) ☐ A reply was received on but if the constitute a proper (reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.5(a) and 1.11.  (d) ☑ No reply has been received.  1. ☑ Applicant's failure to firmely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  (a) ☐ The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission dated high proposed corrected drawings were received.  (b) ☐ The issue fee and publication fee, if applicable, has not been received.  (c) ☐ The issue fee and publication fee, if applicable, has not been received.  (a) ☐ Applicant's failure to timely proper file corrected drawings have received on (with a Certificate of Mailing or Transmission dated), which is after the		Frank W Lu	1634			
This application is abandoned in view of:    Applicant's failure to timely file a proper reply to the Office letter mailed on \( \frac{27172003}{27172003} \) (a) \( \triangle A reply was received on \( \triangle Mining or \) (with a Certificate of Mailing or Transmission dated \( \triangle P \) (b) \( \triangle A reply was received on \( \triangle Mining or \) (b) \( \triangle A proposed reply was received on \( \triangle Mining or \) (b) \( \triangle A proposed reply was received on \( \triangle Mining or \) (b) \( \triangle A proper reply under 37 CFR 1.113 (a) to the final rejection. (A proposed reply was received on \( \triangle Mining or \) (c) (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.)    (c) \( \triangle A reply was received on \) but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.18(a) and 1.111. (See explanation in box 7 below).    (d) \( \triangle A reply was received on \) but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.18(a) and 1.111. (See explanation in box 7 below).    (d) \( \triangle A reply was received on \) but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.18(a) and 1.111. (See explanation in box 7 below).    (d) \( \triangle A reply was received on \) but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.18(a) and 1.111. (See explanation in box 7 below).    (d) \( \triangle A reply was received on \) but it does not constitute to timely application in the satisfaction of the statutory period for payment of the issue fee and publication fee, if application in the statutory period for payment of the issue f	The MAILING DATE of this communication ap					
(a)   A reply was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply (including a total extension of time of month(s)) which expired on (b)   A proposed reply was received on but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of (1) a timely filed amendment which places the application in condition for allowance, (2) a timely filed Notice of Appeal (with appeal feet), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).  (c) □ A reply was received on but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).  (d) □ No reply has been received.  2. □ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  (a) □ The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).  (b) □ The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$ (o) □ The issue fee and publication fee, if applicable, has not been received.  (c) □ The issue fee and publication fee, if applicable, has not been received.  (d) □ Proposed corrected drawings were received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply.  (b) □ No corrected drawings have been received.  (c) □ The letter of express abandonment which is signed by the attorney or agent (acting in a representative capacity under 37 CF			,			
application in condution for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CPR 1.114).  (c) A reply was received on but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).  (d) No reply has been received.  2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  (a) The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).  (b) The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$ (or allowability (PTO-37).  (c) The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$ (or allowability (PTO-37).  (a) Proposed corrected drawings were received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply.  (b) No corrected drawings have been received.  4. In letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.  5. The letter of express abandonment which is signed by the attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filling of a continuing application.  6. The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.	<ul> <li>(a) ☐ A reply was received on (with a Certificate of period for reply (including a total extension of time of</li> <li>(b) ☐ A proposed reply was received on, but it does</li> </ul>	Mailing or Transmission dated month(s)) which expire not constitute a proper reply	ed on under 37 CFR 1.113 (a) to the final rejection			
Initial rejection. See 37 CFR 1.18(a) and 1.111. (See explanation in box 7 below).  (d) ⊠ No reply has been received.  2. □ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  (a) □ The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission dated ), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).  (b) □ The submitted fee of \$ is insufficient. A balance of \$ is due.  The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$ (c) □ The issue fee and publication fee, if applicable, has not been received.  3. □ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).  (a) □ Proposed corrected drawings were received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply.  (b) □ No corrected drawings have been received.  4. □ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.  5. □ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.  6. □ The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.	application in condition for allowance; (2) a timely file	ed Notice of Appeal (with appe	/ filed amendment which places the all fee); or (3) a timely filed Request for			
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  (a) The issue fee and publication fee, if applicable, was received on	(c) ☐ A reply was received on but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).					
Intelligent to the Notice of Allowance (PTOL-85).  (a) The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).  (b) The submitted fee of \$ is insufficient. A balance of \$ is due.  The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$ (c) The issue fee and publication fee, if applicable, has not been received.  3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).  (a) Proposed corrected drawings were received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply.  (b) No corrected drawings have been received.  4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.  5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filling of a continuing application.  6. The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.  7. The reason(s) below:	(d) ⊠ No reply has been received.					
(b) The submitted fee of \$ is insufficient. A balance of \$ is due.  The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$  (c) The issue fee and publication fee, if applicable, has not been received.  3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).  (a) Proposed corrected drawings were received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply.  (b) No corrected drawings have been received.  4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.  5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filling of a continuing application.  6. The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.  7. The reason(s) below:	(a) ☐ The issue fee and publication fee, if applicable, wa), which is after the expiration of the statutory p	85). Is received on —— (with a	Certificate of Mailing or Transmission data			
The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$  (c)	,	oo of \$ is duo				
(c) ☐ The issue fee and publication fee, if applicable, has not been received.  3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).  (a) ☐ Proposed corrected drawings were received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply.  (b) ☐ No corrected drawings have been received.  4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.  5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.  6. ☐ The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.  7. ☐ The reason(s) below:			1 by 37 CER 1 19(d) is 6			
3.	(c) ☐ The issue fee and publication fee, if applicable, has n	ot been received.	1 by 31 Cl <sup>-</sup> R 1. 1ο(α), 15 φ			
(a) ☐ Proposed corrected drawings were received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply.  (b) ☐ No corrected drawings have been received.  4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.  5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filling of a continuing application.  6. ☐ The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.  7. ☐ The reason(s) below:	3. Applicant's failure to timely file corrected drawings as req		month period set in, the Notice of			
(b) ☐ No corrected drawings have been received.  4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.  5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.  6. ☐ The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.  7. ☐ The reason(s) below:  Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to	(a) ☐ Proposed corrected drawings were received on	_ (with a Certificate of Mailing	or Transmission dated), which is			
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.  6. The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.  7. The reason(s) below:  Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.  S. Patent and Trademark Office						
<ul> <li>1.34(a)) upon the filling of a continuing application.</li> <li>6. ☐ The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.</li> <li>7. ☐ The reason(s) below:</li> <li>Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.</li> <li>S. Patent and Trademark Office</li> <li>The reason(s) below:</li> </ul>	4. The letter of express abandonment which is signed by the the applicants.	e attorney or agent of record,	the assignee of the entire interest, or all of			
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.  S. Patent and Trademark Office TO 14/32 (Pay (Pd. 101))	5. The letter of express abandonment which is signed by ar 1.34(a)) upon the filing of a continuing application.	n attorney or agent (acting in a	representative capacity under 37 CFR			
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.  S. Patent and Trademark Office TO 1.143 (Perv. OR-101)	6. The decision by the Board of Patent Appeals and Interfer of the decision has expired and there are no allowed clair	rence rendered on and ms.	because the period for seeking court review			
S. Patent and Trademark Office TO-1432 (Rev. 04-01)	7. The reason(s) below:					
S. Patent and Trademark Office TO-1432 (Rev. 04-01)						
S. Patent and Trademark Office TO-1432 (Rev. 04-01)						
S. Patent and Trademark Office TO-1432 (Rev. 04-01)						
S. Patent and Trademark Office TO-1432 (Rev. 04-01)						
S. Patent and Trademark Office TO-1432 (Rev. 04-01)						
S. Patent and Trademark Office TO-1432 (Rev. 04-01)	minimize any negative circuits on patent term.	w the holding of abandonment un	der 37 CFR 1.181, should be promptly filed to			
	S. Patent and Trademark Office	of Abandonment	Part of Paner No. 4/03			

Art Unit: 1634

Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CAR § 1.6(d)). The CM Fax Center number is either (703) 308-4242 or (703)305-3014.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Lu, Ph.D., whose telephone number is (703) 305-1270. The examiner can normally be reached on Monday-Friday from 9 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion, can be reached on (703) 308-1119.

Any inquiry of a general nature or relating to the status of this application should be directed to the patent Analyst of the Art Unit, Ms. Chantae Dessau, whose telephone number is (703) 605-1237.

Frank Lu April 16, 2003

Éthan Whisenant, Ph.D. Primary Examiner (FSA)